

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KEVIN E. SIERRA-LOPEZ,

Plaintiff,

v.

Case No. 14-C-1480

DR. FATOKI, et al.,

Defendant.

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

Plaintiff Kevin E. Sierra-Lopez filed this action pursuant to 42 U.S.C. § 1983, alleging that his civil rights were violated. On July 26, 2017, the court granted Defendants' motion for summary judgment, and the Clerk entered judgment dismissing the case with prejudice. Plaintiff now seeks relief from the judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Motions seeking relief from judgment must be brought within one year after the entry of judgment. *See* Fed. R. Civ. P. 60(c). The present motion is untimely because it was brought nearly a year and a half after judgment was entered and must be denied on this basis alone. *See Wesco Prods. Co. v. Alloy Automotive Co.*, 880 F.2d 981, 985 (7th Cir. 1989) ("As the one year time limit is jurisdictional and may not be extended in any event . . . we conclude that [the district court] lacked jurisdiction to consider the merits" of the Rule 60 motion. (internal citation omitted)).

Even if the court were to consider the merits of the motion, Plaintiff's motion would be denied. Plaintiff maintains that the court should not have dismissed his claims with prejudice because his recruited counsel was ineffective. But as the Seventh Circuit recently recognized, "there is no right to recruited counsel in federal civil litigation . . . and without a right to recruited counsel, there

can be no right to effective recruited counsel.” *Jackson v. Litscher*, 742 F. App’x 146 (2018) (citing *Olson v. Morgan*, 750 F.3d 708, 711 (7th Cir. 2014), then *Stanciel v. Gramley*, 267 F.3d 575, 580–81 (7th Cir. 2001)). Plaintiff has not offered any factual or legal argument that convinces the court that its July 26, 2017 decision was in error. Accordingly, Plaintiff’s motion for relief from judgment (ECF No. 82) is **DENIED**.

SO ORDERED this 12th day of December, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court